

CCDLA  
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FOUNDED IN 1988

Connecticut Criminal Defense  
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April 15, 2013

Hon. Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bill 1165

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice. By way of this testimony, CCDLA supports the passage of Raised Bill No. 1165 "An Act Concerning Diversionary Programs."

As this committee knows, there are numerous pretrial court programs offered to citizens of Connecticut who find themselves before the Court as first offenders. The legislature has had the vision to recognize in the past the importance of these programs and the importance of giving these offenders an opportunity to appear before the Court and complete the court proceedings without a conviction. Some of these programs permit a "look back" or second chance after the passage of time, but the programs are not consistent in that respect. Raised Bill 1165 corrects this and offers for other programs the sealing of the case file where sealing does not currently exist.

A "look back" provision already exists for the Pretrial Alcohol Education Program (AEP) and this bill intends to offer similar treatment to drug offenders and those charged with crimes not of a serious nature. The CCDLA supports the creation of a "look back" period to permit the use a second time of programs like Accelerated Rehabilitation (A/R), the Drug Education Program (DEP), and the Community Service Labor Program (CSLP). Look back for purposes of

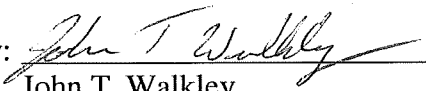
A/R is of particular importance. In my own practice these last thirty (30) years, I have represented countless clients who present themselves having committed a minor offense as an adult, but are not eligible to pursue a dismissal through A/R due to some other minor offense that occurred 10 or 20 years prior. Raised Bill 1165 would correct this, allowing a defendant who had used A/R previously to apply to the Court again 10 years after the prior dismissal. And the protections that this body would want to see in an instance of a second application are present, resting the granting of a new term of A/R solely upon the discretion of the Court. Other provisions in this Bill would permit similar treatment for the DEP and CSLP programs.

Further, this Bill would allow for the sealing of the court file upon an application for admission into any of the court diversionary programs. Currently, sealing applies only in instances of applications to the AEP, the DEP, and the Supervised Diversionary Program or what is commonly called Psych A/R. Again, sealing is extremely important for applicants admitted into the A/R program, but should be done for each of the court-sponsored programs. We should be consistent. In nearly every case where programs are used, the charges will ultimately be dismissed. We should protect the contents of these case files from the beginning of that process. While this may not be a panacea for all of the woes that befall offenders while their cases are pending, it may allow some to keep their jobs, to seek employment, and to fulfill other requirements placed upon them by the Court.

The CCDLA urges this Committee to favorably report on Raised Bill 1165.

Respectfully submitted,

CCDLA

By:   
John T. Walkley  
President-Elect